

The Chairman, Christopher Fejes, called the Board of Zoning Appeals meeting to order at 7:30 P.M., on Tuesday, April 16, 2002.

PRESENT:	Kenneth Courtney	ALSO PRESENT:	Mitch Grusnick
	Christopher Fejes		Allan Motzny
	Marcia Gies		Pam Pasternak
	Michael Hutson		
	Matthew Kovacs		
	Mark Maxwell		
	Cindy Pennington		

ITEM #1 – APPROVAL OF MINUTES – MEETING OF MARCH 19, 2002

Motion by Courtney
Supported by Pennington

MOVED, to approve the minutes of the meeting of March 19, 2002 as written.

Yeas: 6 – Gies, Hutson, Kovacs, Maxwell, Pennington, Courtney
Abstain: 1 – Fejes

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #4 – (TAKEN OUT OF ORDER)

ITEM #4 – VARIANCE REQUESTED. HARRY JAVENS, 3200 ESSEX, for relief of Paragraph A of Section 40.50.04 of the Zoning Ordinance to construct a second floor addition that will expand a legal non-conforming structure at 3200 Essex.

At this time, the Chairman, Christopher Fejes, announced that due to a medical emergency, a representative of Mr. Javens asked that this item be tabled until the May meeting of the Zoning Board of Appeals.

A number of citizens expressed concern over the fact that item was tabled, and Mr. Fejes told them that he thought it would be in their best interest to come back and attend the meeting of May 21, 2002. The citizens stated that they were there to express their objections to this variance request and would come back to the meeting of May 21, 2002.

Motion by Gies
Supported by Hutson

ITEM #4 – con't.

MOVED, to postpone the variance request of Harry Javens, 3200 Essex, for relief of Paragraph A of Section 40.50.04 of the Zoning Ordinance to construct a second floor addition that will expand a legal non-conforming structure until the meeting of May 21, 2002.

- To allow the petitioner the opportunity to be present.

Yeas: All – 7

MOTION TO POSTPONE VARIANCE REQUEST HEARING UNTIL MAY 21, 2002
CARRIED.

ITEM #2 – RENEWAL REQUESTED. ST. MARK COPTIC ORTHODOX CHURCH, 3603 & 3615 LIVERNOIS, for relief to construct a landscaped berm and use existing natural vegetation in lieu of the 4'-6" high masonry wall required along the south property line and relief of the 4'-6" high masonry wall on the north property line.

Mr. Grusnick explained that the petitioner is requesting renewal granted by this Board in 1999 to construct a landscaped berm in lieu of the 4'-6" high masonry wall on the south side of their parking lot as part of a new church construction at the rear of the existing site. The Church obtained a Building Permit in August 2000, and the construction is still on going.

The petitioner is also requesting relief granted by this Board to maintain landscaping and natural screening elements in lieu of the 4'-6" high masonry screening wall required adjacent to their existing off-street parking area. A berm to the north and a natural vegetation barrier to the south presently screen this parking. This renewal has been granted on a yearly basis since 1978.

This renewal last appeared before this Board at the meeting of April 2000 and was granted a two (2) year variance. Petitioner is before the Board to request an extension of this renewal.

Mr. Maxwell asked Mr. Grusnick to explain the screening that is on the property, due to the fact that when he visited the site, he did not feel the screening there was at all adequate. Mr. Grusnick pointed out the screening on the site plan, and Mr. Courtney stated that because a storm sewer was added to the property the existing screening had been removed.

Father Essak was present and stated that they planned to replace the screening, which had been removed as soon as construction, is complete. Father Essak also stated that he wished to extend this variance another two (2) years. Mr. Grusnick asked Father Essak what the proposed time frame was for the completion of the Church, and Father Essak stated that he was sure the 1st phase would be completed by the end of this year, and the 2nd phase completed by next year.

ITEM #2 – con't.

Motion by Courtney

Supported by Maxwell

MOVED, to grant St. Mark Coptic Orthodox Church, 3603 & 3615 Livernois, a two (2) year renewal of relief to construct a landscaped berm and use existing natural vegetation in lieu of the 4'-6" high masonry wall required along the south property line and relief of the 4'-6" high masonry wall on the north property line.

- A two (2) – year variance will allow for the natural vegetation to grow in.
- Construction of the Church should be completed within two (2) years.

Yeas: All – 7

MOTION TO GRANT VARIANCE RENEWAL FOR TWO (2) YEARS CARRIED

ITEM #3 – VARIANCE REQUESTED. SCHNELZ, WELLS, MONAGHAN & WELLS, REPRESENTING NEXTEL WEST CORPORATION, 6966 CROOKS ROAD, for relief of Paragraph E of Section 24.30.05 of the Zoning Ordinance to construct a 100' tall monopole tower which would not meet the setback requirement from residentially zoned property.

The Chairman announced at this time that we had received a letter from Schnelz, Wells, Monaghan & Wells, representing Nextel West Corporation, asking that this item be withdrawn.

The request for withdrawal was noted and filed.

ITEM #5 – VARIANCE REQUESTED. NATIONAL TV BOOK CO., 209 PARK, for relief of Section 30.20.09 of the Zoning Ordinance to install pollution control equipment in the side yard setback at 209 Park.

Mr. Grusnick explained that the petitioner is requesting relief of the side yard setback requirement to install pollution control equipment. The site plan submitted indicates the placement of a mechanical pollution control structure in a side yard, 4'-1 ¾" from the north property line. Section 40.57.03 prohibits the placement of accessory structures in any yard except a rear yard and Section 40.57.05 requires a 6' minimum setback from any property line to an accessory structure.

In July 2001, this petitioner was granted relief of the Zoning Ordinance to construct an 18,852 square foot building addition resulting in a rear yard setback of 10' where 20' is required.

Mr. Stephen Laclave, representing National TV Book Company was present and stated that they have been in Troy since 1992 and are in the process of expanding their facility

ITEM #5 – con't.

and now need to install a pollution control device, which they wish to screen. Mr. Laclave went on to explain that through several studies it has been determined that this is the safest way for them to get rid of the emissions, and in order to make it efficient they wished to place this equipment as close to their press as they can.

Mr. Laclave also stated that by placing the equipment in this location, it would have a minimal effect on surrounding property due to the fact that there is vacant land behind them.

Mr. Fejes asked Mr. Laclave if he knew he would require this variance when he appeared before the Board in July 2001 and Mr. Laclave stated that he did not. Mr. Laclave also stated that they had tried to find another location to put this equipment, however, in order for it be efficient as well as cost effective, this location would be ideal. Mr. Fejes then asked what would happen if the Board did not grant this variance, and Mr. Laclave stated that he was not sure but thought that they would have to see if there was any other location they could place the equipment.

Mr. Courtney asked if this equipment could be placed inside the building, with only the piping going to the outside. Mr. Laclave stated that the temperature to re-burn their product is approximately 2000 ° and therefore he did not think this was feasible. Mr. Courtney then asked if it could be placed on the roof, and Mr. Laclave stated that he did not think the roof structure could support this equipment.

Ms. Pennington asked what the purpose of this equipment was and Mr. Laclave stated that they wished to retire their old press line, and implement the new one that they have purchased. Mr. Laclave stated that they are concerned about pollution and feel that this equipment will keep emissions to a minimum.

Mr. Kovacs asked who owns the property behind them and Mr. Laclave stated that it was owned by American Freight.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Kovacs
Supported by Hutson

ITEM #5 – con't.

MOVED, to grant National TV Book Co., 209 Park, relief of Section 30.20.09 of the Zoning Ordinance to install pollution control equipment in the side yard setback at 209 Park.

- Public health, safety and welfare could be negatively affected without this equipment.
- Variance does not cause an adverse effect to properties in the immediate vicinity.
- Variance is for this property only.

Yeas: All – 7

MOTION TO GRANT REQUEST CARRIED

OTHER BUSINESS

Motion by Courtney
Supported by Fejes

MOVED, to appoint Mr. Hutson, Chairman for the Board of Zoning Appeals for the term ending April 2003.

Yeas: All – 7

MOTION TO APPOINT MR. HUTSON, CHAIRMAN FOR THE BOARD OF ZONING APPEALS CARRIED

Motion by Courtney
Supported by Fejes

MOVED, to appoint Mr. Maxwell, Vice-Chairman for the Board of Zoning Appeals for the term ending April 2003.

Yeas: All – 7

MOTION TO APPOINT MR. MAXWELL, VICE-CHAIRMAN FOR THE BOARD OF ZONING APPEALS CARRIED

The Board of Zoning Appeals meeting adjourned at 8:20 P.M.

MEG/pp